

VZCZCXYZ0001
OO RUEHWEB

DE RUEHON #0038/01 0192241
ZNR UUUUU ZZH
O R 191642Z JAN 10
FM AMCONSUL TORONTO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0071
INFO RHEFHLC/HOMELAND SECURITY CENTER WASHINGTON DC
RHMFIUU/CDR USNORTHCOM PETERSON AFB CO
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC
RHMFIUU/FBI WASHINGTON DC
RHMFIUU/HQ BICE INTEL WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEHLO/AMEMBASSY LONDON 0001
RUEHON/AMCONSUL TORONTO
RUEILB/NCTC WASHINGTON DC

UNCLAS TORONTO 000038

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: PTER PINR PGOV CA
SUBJECT: "LIFE SENTENCE" FOR "TORONTO 18" RINGLEADER PERMITS PAROLE
IN SIX YEARS

REF: 09 TORONTO 106; 09 TORONTO 210; 09 OTTAWA 768; 09 TORONTO 240

¶11. (U) Summary. Canadian courts have sentenced one key participant in the "Toronto 18" terror plot to life imprisonment and another to twelve years, but they will be eligible for parole in 2016 and 2011, respectively, partly due to Canadian sentencing policies that give double credit for pretrial detention. The government is likely to re-introduce legislation to eliminate the double credit for pretrial custody in the next session of the House of Commons.
End Summary.

¶12. (U) Twenty-four-year-old Zakaria Amara, identified by prosecutors as the ringleader of the "Toronto 18" terror plots and who pled guilty in October 2009, was sentenced to life in prison on January 18. However, under Canadian sentencing law he will be eligible for parole in 2016. Co-conspirator Saad Gaya, 22, who pled guilty in September 2009, was sentenced the same day to 12 years in prison, but will be eligible for parole in 18 months after being given double credit for pretrial custody.

¶13. (U) Amara admitted to recruiting people, helping to lead a terrorist training camp, creating remote-controlled detonators, and purchasing three tons of what he thought was ammonium nitrate fertilizer for truck bombs. Gaya, a university student, was arrested in a police sting while unloading a delivery truck filled with three tons of a harmless substance substituted for the fertilizer. He had been selected by the group's leaders to drive one of the bomb-laden trucks to its target.

¶14. (U) Dissatisfied with the comparatively light sentence of at least one "Toronto 18" defendant, Crown prosecutors are appealing the sentencing of Saad Khalid, who on September 3, 2009 received 14 years. Credit for pretrial detention in Khalid's case significantly reduced the time he will serve in prison. In filing the notice of appeal, Crown prosecutors stated that the sentence did not fit the "gravity of the offense and the culpability of the offender."

¶15. (U) Since the initial arrests of 18 Toronto-area men in 2006 for a plot to carry out terrorist attacks in Southern Ontario to protest Canada's military presence in Afghanistan, the following have been convicted:

a) Nishanthan Yogakrishnan, 21, was convicted in September 2008 and sentenced to 30 months on May 22. Given credit for time-served, he has already been released;

b) Ali Mohamed Dirie, 26, pled guilty on September 21 to participating in the activities of a terrorist group; he received a seven-year sentence and will receive double credit for time in

pretrial detention;

c) Saad Khalid, 23, was sentenced to 14 years in prison on September 4 and will receive double credit for time in pretrial detention;

d) Saad Gaya, 21, pled guilty on September 28 and was sentenced to 12 years;

e) Zakaria Amara, 23, pled guilty on October 8 and was sentenced on January 18 to life in prison.

Of the remaining members of the "Toronto 18" terror plot arrested in 2006, one man's trial began last week and five others face trial in March. They cannot be identified due to an ongoing publication ban. Charges against the other seven members were either stayed or dismissed.

¶6. (SBU) Comment: The life sentence for Amara is viewed as a significant victory for the Royal Canadian Mounted Police (RCMP), who have seen previous "Toronto 18" convictions result in comparatively light sentences. A proposed law was introduced in March 2009 to eliminate the practice of giving defendants double credit for time spent in pretrial custody, but the bill died when Parliament was prorogued on December 30. The government is likely to re-introduce the bill soon after the House of Commons reconvenes

on March 3.
JOHNSON